

Serial No. 10/759,523
60130-1987; 03MRA0008

REMARKS

The Examiner objects to the amendment filed March 15, 2006 because it introduces new matter into the disclosure. Applicant has cancelled claim 20 and deleted the sentence relating to "a substantially curved cross section" from paragraph 28.

Claims 1 and 4-21 are rejected under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner states that the original disclosure does not provide proper antecedent basis for a spring lug. The claims have been amended to refer to a "lug." Figures 5 and 6 have been amended to show the lug 171A, which is shown in dotted lines in Figure 5 as filed. A replacement drawing sheet is enclosed. No new matter is added as the lug 171A is shown in Figure 5.

Claims 1 and 4-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 703 378 (the European Reference) in view of Heinz et al. (US 4,049,087). The Examiner states that the European Reference does not disclose a lateral edge region of an engaging region adjacent to an outboard side of a brake caliper being rounded as claimed. The Examiner states that Heinz discloses this feature, and it would be obvious to include the spring lugs of Heinz on the spring of the European Reference to ensure proper retention and increase the security of the device. Applicant respectfully disagrees.

The claimed invention is not obvious. There is no motivation to employ lugs in the European Reference to ensure proper retention and increase the security of the device as the Examiner contends. In the European Reference, a clip 18 is retained to a backing plate 10 by the interaction of lugs 16 and holes 20. In Heinz, the legs 5 and 6 of a clip 1 are bent to properly retain the clip 1 on a backing plate 8. There is no reason to employ the legs 5 and 6 of Heinz with the clip 18 of the European Reference because the clip 18 of the European Reference is already retained on the backing plate 10 by the lugs 16 and the holes 20. Therefore, there is no motivation to employ lugs to secure the clip 18 to the backing plate 10 of the European Reference.

Additionally, the claimed invention solves problems of the prior art that are not solved by Heinz. The claimed invention prevents a pad spring from digging into a pad retainer. The legs 5 and 6 of Heinz are employed for a different purpose, namely to retain the clip 1 on the backing

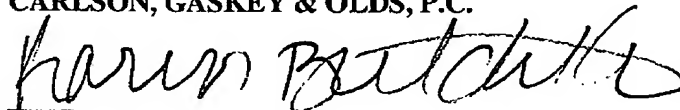
Serial No. 10/759,523
60130-1987; 03MRA0008

plate 8. The legs 5 and 6 of Heinz do not perform the same function as the claimed lugs, and the claimed invention solve problems presented in the prior art.

Thus, claims 1, 4-19 and 21 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.




Karin H. Butchko
Registration No. 45,864
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: July 27, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this response is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on July 27, 2006.


Amy M. Spaulding